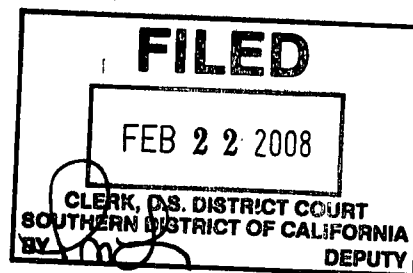


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United States Attorney
2 PAUL L. STARITA
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3 California State Bar No. 219972
United States Attorney's Office
4 880 Front Street, Room 6293
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6 Attorneys for Plaintiff
United States of America
7



8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA)

Case No. 07CR1555-BTM

11 Plaintiff,)

12 v.)

DEFERRED PROSECUTION
AGREEMENT

13 FERNANDO CASTILLO-CORNEJO,)

14 Defendant.)
15
16

17 FERNANDO CASTILLO-CORNEJO, you are charged by Indictment filed on June 19,
18 2007, in Case No. 07CR1555-BTM, with committing the offense of being a deported alien found
19 in the United States on or about May 23, 2007, in violation of Title 8, United States Code,
20 Section 1326.

21 It appears that the interest of the United States, your interest, and the interest of justice
22 will be served by the following procedure:

23 On authority of the Attorney General of the United States, by Karen P. Hewitt, United
24 States Attorney for the Southern District of California, and provided you abide by the following
25 conditions, the United States agrees that the prosecution of you for the offenses you allegedly
26 committed on May 23, 2007, shall be deferred for the period of six (6) months from the filing of
27 this Agreement.

28 //

07CR1555-BTM

1 If, upon completion of your period of deferred prosecution, it is determined by the United
2 States Attorney that: (1) you have complied with this agreement and (2) that the United States
3 Citizenship and Immigration Services or the United States Department of Homeland Security
4 (hereinafter "the proper adjudicating authorities") has determined that you are a United States
5 citizen, no further prosecution of you in this District for the offense you allegedly committed on
6 May 23, 2007 will be maintained. However, if you violate the conditions of this Agreement
7 during your period of deferred prosecution, or if the proper adjudicating authorities determine
8 that you do not have a legitimate claim to U.S. citizenship, the United States Attorney may
9 proceed with the prosecution.

10 This Agreement may be admissible as evidence against you in any trial, court proceeding,
11 or hearing, including (1) to show that you failed to apply to the proper adjudicating authorities for
12 a Certificate of United States Citizenship based on your claim of derivative citizenship, (2) to
13 show that you failed to prove to the proper adjudicating authorities that you qualify for a
14 Certificate of United States Citizenship based on your claim of derivative citizenship, and (3) for
15 purposes of impeachment and rebuttal, in the event that you are prosecuted for the above-
16 described offense.

17 Further, it is the intent of the parties that you remain in the custody of the United States
18 Marshal for the Southern District of California during the pendency of this Agreement. It is also
19 the intent of the parties that all time that you spend in the custody of the United States Marshal
20 shall count toward any sentence that you might receive for the offense that you allegedly
21 committed on May 23, 2007.

22 **CONDITIONS OF DEFERRED PROSECUTION**

- 23 1. You shall not violate any federal, state or local law.
- 24 2. You shall submit a Form N-600, Application for a Certificate of Citizenship, for
25 the proper adjudicating authorities with the proper filing fee pursuant to the governing regulations
26 within two weeks of the signing and filing of this Agreement.
- 27 3. You shall promptly and timely respond to any request by the proper adjudicating
28 authorities for requisite supporting information for the processing of the application.

1 4. You shall promptly make available to the proper adjudicating authorities any
2 person or document requested by said adjudicating authorities for use in processing the
3 application.

4 5. You shall promptly comply with a request of the proper adjudicating authorities
5 for a personal interview.

6 6. You shall reply truthfully to any question posed to you by the proper adjudicating
7 authorities for use in processing the application for citizenship.

8 7. You shall prosecute fully and completely your claim of United States citizenship
9 to allow the proper adjudicating authorities to make a final determination of your status.

10
11 Dated: 02/13/08


PAUL L. STARITA
Assistant U.S. Attorney

12
13 **CONSENT OF DEFENDANT**

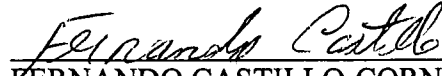
14 I agree with the description of the status of the case set forth in this Agreement. I hereby
15 request that the United States Attorney for the Southern District of California to defer prosecution
16 of me for the offense that I allegedly committed on May 23, 2007 for the period of six (6) months
17 from the filing of this Agreement.

18 Should prosecution be instituted, I agree that any delay resulting from this Agreement
19 shall be deemed to be an excludable delay pursuant to Title 18, United States Code, Section
20 3161(h)(2).

21 The terms and conditions of this agreement have been read to me in my native language
22 and explained to me by my attorney. I understand them and agree to comply with them. I have
23 consulted with my counsel and fully understand all my rights with respect to the offense pending
24 against me and the sentencing factors set forth in Title 18, United States Code, Section 3553(a) as
25 well as the provisions of the United States Sentencing Guidelines which, although advisory, may
26 apply in my case. I have read this Agreement and carefully reviewed every part of it with my
27 attorney. I understand this Agreement and I voluntarily agree to it. Moreover, I have consulted
28

1 with my counsel, HOLLY A. SULLIVAN, Esq., and am completely satisfied with the advice and
2 guidance she has provided me in regards to this case and this Agreement, and wholeheartedly
3 concur with her advice to me in regards to this Agreement and the ultimate consequences should I
4 violate its terms and conditions.


5
6 Dated: 2/13/08


FERNANDO CASTILLO-CORNEJO
Defendant

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9 **CONSENT OF DEFENSE COUNSEL**

10 I am Fernando Castillo-Cornejo's attorney. I have fully explained to him his rights with
11 respect to the offense pending against him. Further, I have reviewed the sentencing factors set
12 forth in Title 18, United States Code, Section 3553(a) as well as the provisions of the Sentencing
13 Guidelines and I have fully explained to Fernando Castillo-Cornejo the sentencing factors set
14 forth in Title 18, United States Code, Section 3553(a) and the provisions of the Sentencing
15 Guidelines which, although advisory, may apply in this case. I have carefully reviewed every
16 part of this Deferred Prosecution Agreement with him. To my knowledge, his decision to enter
17 into this Agreement is an informed and voluntary one.

18
19 Dated: 2/13/08


HOLLY A. SULLIVAN, Esq.
Attorney for the Defendant

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APPROVAL OF THE COURT

Considering the foregoing, and for good cause shown and in the interest of justice, this Deferred Prosecution Agreement for the purpose of allowing Defendant FERNANDO CASTILLO-CORNEJO to establish his qualifications for a Certificate of United States Citizenship based on a claim of derivative citizenship is hereby approved, and the delay resulting from this Agreement is hereby ordered excluded pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(2). Further, it is hereby ordered that FERNANDO CASTILLO-CORNEJO remain in the custody of the United States Marshal for the Southern District of California during the pendency of this Deferred Prosecution Agreement or until further order or this Court.

Dated: 2-22-2008


BARRY TED MOSKOWITZ
United States District Judge